



Steven L. Beshear
Governor

KENTUCKY STATE POLICE

919 VERSAILLES ROAD
FRANKFORT, KY 40601
www.kentuckystatepolice.org
Custodian of Records Phone: (502) 782-1786
Custodian of Records Fax: (502) 573-1636

Rodney W. Brewer
Commissioner

February 8, 2013

Mr. Shawn Musgrave
MuckRock News
DEPT MR 2711
PO Box 55819
Boston, MA 02205-5819

RE: Open Records Request (13-0214); received Feb. 5, 2013


Dear Mr. Musgrave:

By your letter dated February 3, 2013, you requested a copy of requests for proposals, contracts, budgets, policies, guidelines and any other Departmental records pertaining to the acquisition of aerial drones, pursuant to the provisions of the Kentucky Open Records Act. Please be advised that the Kentucky State Police has not acquired any aerial drones, nor have any requests for proposals to purchase any drones been submitted. Therefore, there are no records responsive to your request.

In a long line of Attorney General Opinions and Open Records decisions, the Office of Attorney General has repeatedly held that a request for a nonexistent record cannot be honored inasmuch as an agency cannot furnish access to a record that it does not have. See 09-ORD-129, 01-ORD-004, OAG 83-11; OAG 87-54; OAG 88-5; OAG 88-44; OAG 91-112; OAG 91-203.

In accordance with KRS 61.880, if you so request, the Attorney General will review this action and issue a written opinion to this agency stating whether we have acted consistently with the provisions of the Kentucky Open Records Act.

Sincerely,


Emily M. Perkins
Official Custodian of Records
Legal Services Branch